

RESPONSE UNDER 37 C.F.R. § 1.111
U.S. Application No. 10/729,915

REMARKS

Claims 1, 3-16 and 18-29 are pending in the Application of which claims 1, 11, 16 and 26 are independent.

A Declaration pursuant to 37 C.F.R. 1.131 is being submitted together with this response to antedate the primary reference cited against the claims of the Application.

I. Claim Rejections based on 35 USC 102(e)

Claims 1, 11, 12 and 16 are rejected based on 35 USC 102(e) as being anticipated by Bellegarda, U.S. Patent Application Publication 2005/0044487.

II. Claim Rejections based on 35 USC 103

Claims 4-7, 10, 13, 18, 20-22 and 27 are rejected as obvious over Bellegarda and in view of Foote, "Automatic Auto Segmentation Using a Measure of Audio Novelty," Proc. IEEE, IEEE Intl. Conf. on Multimedia and Expo, 2000. Claims 14 and 15 are rejected as obvious over Bellegarda and Foote and further in view of Platt, U.S. Patent 6,993,532. Claims 8 and 23 are rejected as obvious over Bellegarda and Foote and further in view of Schwanke, U.S. Patent 5,485,621. Claim 26 is rejected as obvious over Bellegarda, Platt and Foote and further in view of Schwanke. Claims 28-29 are rejected as obvious over Bellegarda and in view of Gargi, U.S. Patent Application Publication 2005/0027712.

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The Date of Invention Precedes the Priority Date of Bellegarda

Applicants submit that the 35 U.S.C. 102 reference, Bellegarda, which is also the first cited reference in the 35 U.S.C. 103 rejections, is disqualified as a valid reference for either anticipation or obviousness because the date of reduction to practice of the invention actually predates Bellegarda.

Applicants are enclosing a Declaration pursuant to 37 C.F.R. 1.131 that establishes the date of the invention that is the subject matter of the current Application, to at least January 3, 2003. This date is prior to the date of filing of Bellegarda on August 21, 2003.

Accordingly, Bellegarda may not be properly used as a reference against the claims of the current Application. Applicants request withdrawal of both anticipation and obviousness rejections of the claims based on Bellegarda and allowance of claims 1, 4-8, 10-16, 18, 20-23, and 25-29.

III. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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